

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

01-Ø-0238

AN ORDINANCE TO REPEAL SUBSECTION (b) OF SECTION 130-82 OF THE ATLANTA CITY CODE EXEMPTING CITIZENS WITH AN ANNUAL INCOME OF LESS THAN \$8,000 FROM THE \$30 FEE PER YEAR FOR SOLID WASTE RECYCLING SERVICES AND FOR OTHER PURPOSES.

WHEREAS, Subsection (b) of City Code Section 130-82 exempts citizens with an annual income of less than \$8,000 from the \$30 fee per year for solid waste recycling services; and

WHEREAS, solid waste recycling service fees are fees for which services are rendered by the City of Atlanta; and

WHEREAS, the City Law Department has repeatedly advised over the years that the waiver of fees for services constitutes a gratuity in violation of Article 3, Section 6, Paragraph 6 of the Constitution of the State of Georgia,

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Subsection (b) of Section 130-82 of the Atlanta City Code, exempting citizens with an annual income of less than \$8,000 from the \$30 fee per year for solid waste recycling services, is hereby repealed.

Sec. 130-80. Charges for disposal of solid waste at city facilities.

(a) *Established.* Any person disposing of solid waste at one of the city's solid waste disposal facilities, except those specifically exempt by section 130-57, will be charged a fee for disposal of solid waste.

(b) *Determination of amounts.* The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current costs of disposal of solid waste. The schedule of charges for disposal of solid waste shall be filed with the municipal clerk by the commissioner not later than two weeks following adoption of the annual budget. A schedule of these charges will also be posted at the city disposal facilities and shall be made effective January 1 of each year.

(Code 1977, § 9-6124)

Sec. 130-81. Reserved.

Sec. 130-82. Fees for recycling.

(a) A fee of \$30.00 per year is established for the provision of recycling services for each single-family residence and for each unit of duplex, triplex and quadruplex residences.

(b) All citizens who have less than \$8,000.00 of income per year are exempted from this fee.

(Code 1977, § 9-7001(V))

Sec. 130-83. Billing and collection.

(a) *Sanitary service charge.* The assessment and collection of sanitary service charges as set forth in this division shall be made by the city. The assessment and collection of annual charges shall be made quarterly with the first installment due and payable on January 1. The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.

(b) *Commercial and industrial surcharge.*

(1) The assessment and collection of commercial and industrial surcharges as set forth

in this division shall be made by the city. The assessment and collection of annual charges shall be made quarterly with the first installment due and payable on January 1. The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.

(2) The tenant occupying or the owner of the commercial and industrial property, as the case may be, shall submit to the city on forms furnished by the city an estimate of the volume of solid waste, either bags or industrial containers with cubic yard sizes, required to be removed during a one-week period and an estimate of the number of collections per week required to remove that waste. The estimates shall be submitted to the city at least 1½ months prior to the quarterly billing period. The quarterly surcharge shall be based on the estimate so furnished.

(3) At any one time during any calendar quarter, if a revised estimate is received by the city on a date which is at least 17 days before the end of the quarter, each industrial and commercial occupant or owner shall have the right to revise the estimate previously submitted to the city so as to amend, modify or change the estimate as to the type of service, the number of pickups per week or the volume of service per pickup.

(4) Solid waste collection service by the city may be instituted at any time during the calendar quarter upon the industrial and commercial occupant or owner submitting to the commissioner of public works the estimate as provided in this subsection and a requested date of the commencement of the service.

(5) Upon the cessation of any industrial or commercial business, by written notice, any industrial and commercial occupant or owner may discontinue solid waste collection service by the city upon giving

RCS# 3329
12/03/01
4:55 PM

Atlanta City Council

Regular Session

01-O-0238 Repeal 130-82 exempting citizens with
 < \$8,000 from solid waste recycling fee
 FILE

YEAS: 9
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	NV Martin	NV Emmons
N Bond	Y Morris	Y Maddox	N Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

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\$30 FEE PER YEAR FOR SOLID
WASTE RECYCLING SERVICES
AND FOR OTHER PURPOSES.

FILED BY
CITY COUNCIL

DEC 03 2001

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

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